LIL — THEY'RE STILL AT IT

The New York Times

Pursuing an Assassin, 130 Years Later

Petition Seeks Exhumation to Verify Identity of John Wilkes Booth

By MICHAEL JANOFSKY

WASHINGTON, May 11 — More than 125 years after a body identified as that of John Wilkes Booth was buried in a large family plot in the Green Mount Cemetery in Baltimore, two members of the Booth family are asking a court to allow that it be exhumed. They want to know if it actually is Booth, the actor who assassinated President Lincoln at Ford's Theater here in 1865.

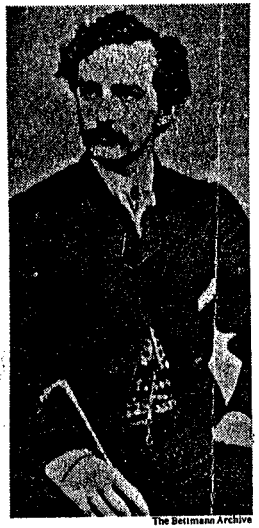
The request, which will be made on Wednesday before Judge Joseph H. H. Kaplan in Baltimore Circuit Court, represents more than idle curiosity. For nearly as long as the body has lain beneath the obelisk marking the Booth family graves, some historians have argued that someone other than Booth was buried there.

They contend that when Federal troops shot and killed a man in Bowling Green, Va., 12 days after the assassination and identified him as Booth, it was really someone else; the President's killer, they say, escaped before the troops arrived. With a rich supply of written accounts and sworn affidavits to bolster their claims, the escape theorists say that the Government engaged in a cover-up and that Booth lived out his life, another 38 years, in Mississippi, Texas and the Oklahoma territory before he committed suicide in 1903.

By examining the body, they argue, scientists could determine with reasonable certainty whether it is Booth's by his physical characteristics, including a scar over his right eye, a crushed thumb and a fractured bone in his left leg from leaping to the stage after he shot Lincoln.

The petitioners, a great-great-grandniece and a third cousin of Booth, have been joined in the request by the Smithsonian Institution's National Museum of Natural History and two other museums, three historians and several Maryland officials. The Smithsonian, which has taken no position on the historical interpretation the case involves, has agreed to participate in the scientific analysis.

The petition has also been signed by 23 other members of the Booth family and by three women who contend that they are direct descendants of Booth through a child they say he fathered in 1866, a year after the assassination.



The Bettmann Archive

John Wilkes Booth.

But with most historians saying the escape theory is pure fantasy, representatives of the cemetery have denied permission to dig up the body. They cite a promise the cemetery made in 1869 to Booth's mother, Mary Ann, that the graves would remain protected, fears that a Booth descendant not involved with the case might object and skepticism about the escape theory.

"We only see this as a win-win situation," said Mark S. Zaid, a Washington lawyer who is representing the descendants, Lois White Rathbun, 44, a great-great-grandniece of Booth, and Virginia Humbrecht Kline, 73, who is described in court papers as both a third cousin of Booth and the niece of a woman who married one of Booth's brothers.

"If the body is exhumed and the remains have deteriorated or the results are inconclusive, all we are left with is the status quo," Mr. Zaid said. "Then, we put the casket back, there's been no harm and people can continue to debate the issue.

"But," he added, "if it turns out not to be John Wilkes Booth, that changes history."

In court papers filed last year, the petitioners referred to other exhumations conducted for historical purposes, including those of Lee Harvey Oswald, to confirm identity, and President Zachary Taylor, to determine the cause of death. The papers say that "the technology now exists to close the books on this controversy forever."

If the body is that of Booth or if the examination cannot determine its identity, the papers say, the body would be returned to the cemetery. If the remains are not those of Booth, another location would be found.

Nathaniel Orlowek, an amateur historian who has studied the case for years, argues that exhumation is the only way to disprove theories of a Government cover-up.

If the body is not Booth's, he said, "one of the most major facts of history will be disproved."

By the accepted version of events, Booth slipped into Lincoln's theater box on April 14 and shot him in the back of the head. He leaped on the stage and escaped using a back alley. For 12 days he eluded Federal troops searching for him.

Then on April 26, the 16th New York Cavalry trapped him and another man in a barn on Richard Garrett's farm in Bowling Green. After refusing to surrender, Booth was shot in the neck, and he died several hours later. His body was returned to Washington and stayed there until 1869, when President Lincoln's successor, Andrew Johnson, ordered that it be given to the Booth family for burial.

Among the historians who support that version of events is James M. McPherson, a professor at Princeton University and an expert on the Civil War. "All the theories that Booth somehow survived, I find none of them persuasive," he said. "Despite questions some people have raised, the identification of Booth after he was shot, the evidence and soundness of the people who did the viewing are definitive and indisputable."

David Scull/The New York Times

John Wilkes Booth was supposedly buried in the family plot in Baltimore. A court case seeks to make sure.

An effort to settle the question of whether Lincoln's killer escaped.

Shortly after the shooting, however, rumors that the killer had actually escaped were already rife.

Mr. Orlowek and other conspiracy theorists say they base their views on a variety of sources. One is a 1907 book, "The Escape and Suicide of John Wilkes Booth," by Finis L. Bates, a lawyer who contended that in 1877 a man he knew as John St. Helen who thought himself to be dying identified himself as John Wilkes Booth and confessed to the assassination. Mr. Bates wrote that Mr. St. Helen gave him a photograph of himself and said to notify his brother, Edwin Booth, an actor.

In 1903, Mr. Bates had read accounts of the suicide of a man in Enid, Okla., named David E. George, who had apparently confessed to an acquaintance and the proprietor of the hotel in which he lived that he was John Wilkes Booth.

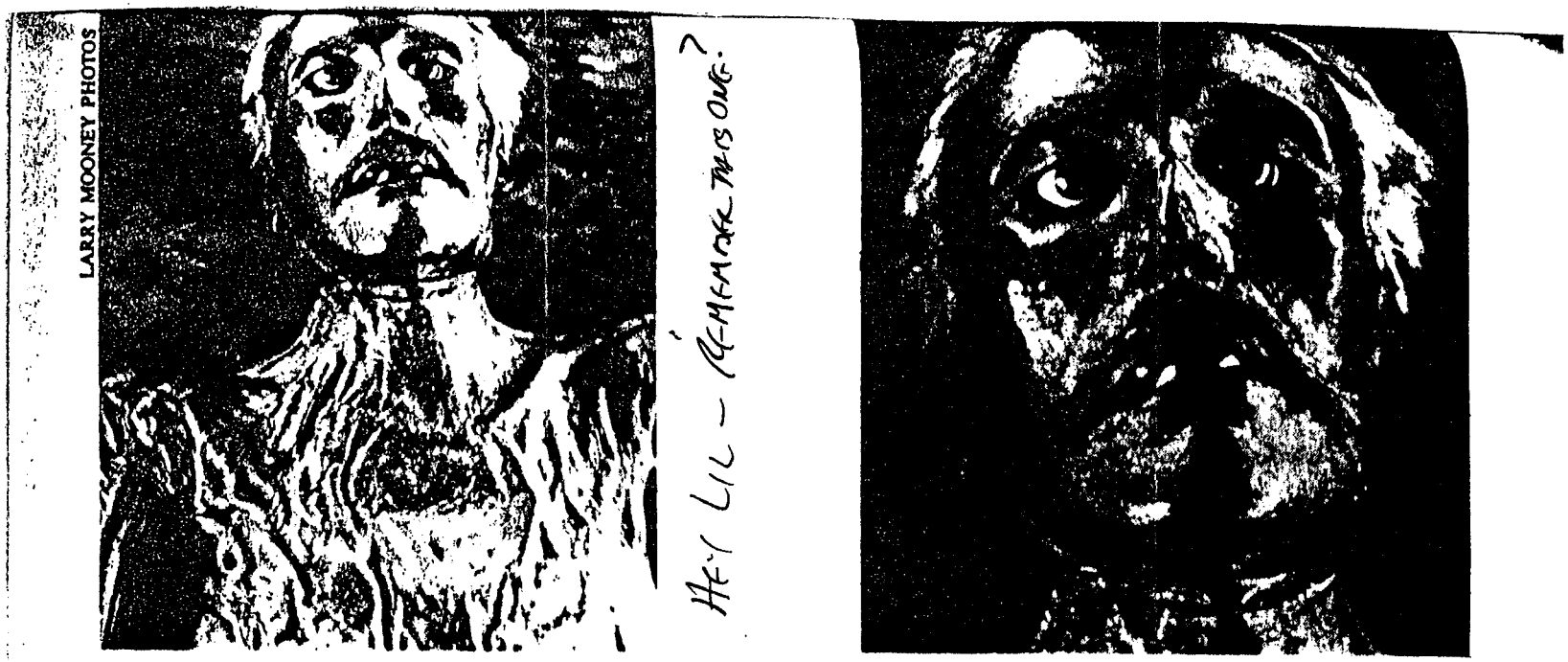
Still in possession of the photograph Mr. St. Helen gave him, Mr. Bates showed it to people who had known Mr. Booth or Mr. George and said he came away convinced they were all the same person.

Meanwhile, Mr. Bates had the body of Mr. St. Helen mummified, and after his death in 1923, it was sold to a carnival and exhibited around the country as the mummy of John Wilkes Booth. In 1931, six doctors examined the body inside the wrappings and said it might be John Wilkes Booth.

One of the doctors, Edward L. Miloslavich, wrote, "I lean to the belief that the body I examined was that of President Lincoln's assassin." The mummy has since disappeared.

The family members and historians are prepared to cite other evidence suggesting that Booth escaped, including notorized statements of relatives and acquaintances who said they knew Booth long after the assassination. But a lawyer for the cemetery, William C. Trimble, contended that the escape theory was a hoax and that the writings of Mr. Bates and others supporting the theory were "absolute poppycock."

"There is no controversy in the American historical community," he said. "It's a non-issue by any recognized historical published account. Therefore, this request is reduced to historical curiosity and a whim. Nothing more."



The death of John Wilkes Booth remains a mystery. Following Lincoln's assassination, some historians traced him to England and India. Others speculate that he faked his death in India and returned to the United States under the assumed name of David E. George or John St. Helen. On his deathbed, this individual claimed he was John Wilkes Booth and since there was a reward for the body of Booth, the mortician did not bury the corpse but had it carefully preserved. The above photos are purported by some people to be the John Wilkes Booth mummy, now in a private collection.